

CIRCUIT COURT FOR THE 20TH JUDICIAL CIRCUIT

State of Illinois)
 County of St. Clair) S.S.

Case Number 15-L-121Amount Claimed IN EXCESS OF \$50,000.00 +

RICHARD A. CLARK and
 JENNIFER CLARK

RIVER METALS RECYCLING, LLC and
 SIERRA INTERNATIONAL MACHINERY, LLC

VS

Plaintiff(s)

Defendant(s)

Classification Prefix _____ Code _____ Nature of Action _____ Code _____

Pltf. Atty. Joseph A. Bartholomew Code _____
 Address 12 West Lincoln St.
 City Belleville, IL 62220 Phone 235-3500
 Add. Pltf. Atty. _____ Code _____

TO THE SHERIFF: SERVE THIS DEFENDANT AT:

NAME RIVER METALS RECYCLING, LLC
c/o Registered agent
C.T. Corporation System
 ADDRESS 208 S. La Salle St., Ste. 814
Chicago, IL 60604

SUMMONS COPY

To the above named defendant(s).

CITY & STATE

☐ A. You are hereby summoned and required to appear before this court at
 (court location) _____ at _____ M. On _____ 20 _____
 to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by
 default may be taken against you for the relief asked in the complaint.

☐ B. You are hereby summoned and required to file an answer in this case or otherwise file your appear-
 ance, in the office of the Clerk of this court, within 30 days after service of this summons, exclusive of the day
 of service. If you fail to do so, judgment or decree by default may be taken against you for the relief prayed in
 the complaint.

TO THE OFFICER:

This summons must be returned by the officer or other person to whom it was given for service, with
 indorsement thereon of service and fees if any, immediately after service. In the event that paragraph A of this
 summons is applicable this summons may not be served less than three days before the day of appearance. If
 service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS, 3-13-20-15

Kathleen Clay
 Clerk of Court

BY DEPUTY: Karen Ky

DATE OF SERVICE: _____, 20 _____

(To be inserted by officer on copy left with defendant or other person)

SEAL

NOTICE TO DEFENDANT IN SMALL CLAIMS UNDER \$15,000- - SEE REVERSE SIDE

CC-MR-1

NOTICE TO DEFENDANTS (Pursuant to Supreme Court Rule)

In a civil action for money (under \$15,000) in which the summons requires your appearance on a specified day, you may enter your appearance as follows:

1. You may enter your appearance prior to the time specified in the summons by filing a written appearance, answer or motion in person or by attorney at the office of the Circuit Clerk, #10 Public Square, Belleville, Illinois.
2. You may enter your appearance at the time and place specified in the summons by making your presence known to the Judge when your case is called.

When you appear in Court, the Judge will require you to enter your appearance in writing, if you have not already done so. Your written appearance, answer, or motion shall state with particularity the address where service of notice or papers may be made upon you or an attorney representing you.

Your case will be heard on the date set forth in the summons unless otherwise ordered by the Court. Only the Court can make this exception. Do not call upon the Court Clerk or the Sheriff's office if you feel you will be unable to be present at the time and place specified. Continuances can be granted only on the day set forth in the summons, and then only for good cause shown. You, or someone representing you, **MUST APPEAR IN PERSON** at the specified time and place and make such a request.

If you own
attorney of your
you. Do not make
a proper court

DUE DATE
04/03/2015



DOC TYPE: LAW
CASE NUMBER: 15L121
DEFENDANT
SIERRA INTERNATIONAL MACHINERY LLC
208 S LASALLE ST
CHICAGO, IL 60604
STE 814

SERVICE INFO
CORRA CT CI
SYSTEM

ATTACHED

plaintiff before the return date on the summons, notify the plaintiff or his
appear at the time specified and ask for the dismissal of the suit against
or the Sheriff, as only the Judge can dismiss a case, and, then only with
en Court.

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

RICHARD A. CLARK and
JENNIFER CLARK,

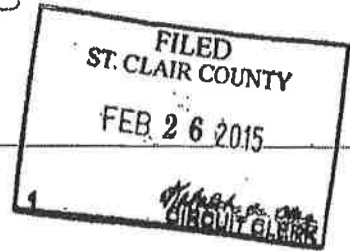
Plaintiffs,

vs.

RIVER METALS RECYCLING LLC,
and SIERRA INTERNATIONAL
MACHINERY, LLC

Defendants.

No.



A F F I D A V I T

JOSEPH A. BARTHOLOMEW, being first duly sworn upon his oath,
deposes and states as follows:

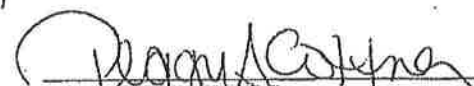
1. That he is the attorney for the Plaintiffs. That upon
information and belief the damages suffered by the Plaintiffs in
the instant complaint attached hereto exceeds the sum of
\$50,000.00.

Affiant further sayeth not.

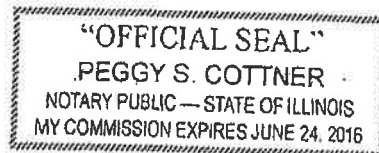


JOSEPH A. BARTHOLOMEW

SUBSCRIBED AND SWORN to before me, a Notary Public, this
24th of February, 2015.



NOTARY PUBLIC



COOK, YSURSA, BARTHOLOMEW,
BRAUER & SHEVLIN, LTD.
12 West Lincoln Street
Belleville, Illinois 62220
(618) 235-3500

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

RICHARD A. CLARK and
JENNIFER CLARK,

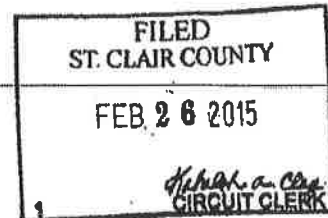
Plaintiffs,

vs.

RIVER METALS RECYCLING LLC,
and ~~SIERRA INTERNATIONAL~~
MACHINERY, LLC

Defendants.

15AR 205
No. 5-2-121



COMPLAINT AND DEMAND FOR JURY TRIAL

COUNT I

Comes now the Plaintiff, RICHARD A. CLARK, by and through his attorneys, COOK, YSURSA, BARTHOLOMEW, BRAUER & SHEVLIN, LTD., and JOSEPH A. BARTHOLOMEW, and for Count I of his Complaint against the Defendant, RIVER METALS RECYCLING LLC, states as follows:

1. That at all times mentioned herein the Plaintiff, RICHARD A. CLARK, was an employee of Thornton Auto Crushing, LLC and during the course of his employment was required to refill the hydraulic fluid on a Sierra International Machinery LLC 2006 model number RB6000 car logger/baler serial #125105 and during the course of his employment he slipped and fell.

2. That on or about March 11, 2013, the Defendant, RIVER METALS RECYCLING, LLC, was a Kentucky corporation authorized to

do business in the State of Illinois and doing business in the State of Illinois and the owner of the bailer.

3. That on or about March 11, 2013, the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, was a California corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner and/or leasor of the bailer whom they leased to Plaintiff's employer Thornton Auto Crushing, LLC.


4. That at said time and place, and at the time it left the possession and control of the Defendant, RIVER METALS RECYCLING LLC, the car logger/baler was in a defective and unreasonably dangerous condition in that:

- a. it failed to provide adequate platform and/or area in which to provide known maintenance including refilling the hydraulic fluid;
- b. it failed to have handrails or area in which to hold onto while performing routine maintenance including refilling hydraulic fluid.

5. That as a direct and proximate result of one or more of the foregoing defective and unreasonably dangerous conditions the Plaintiff, Richard A. Clark, slipped and fell causing him to severely injure his left arm including open fractures, dislocation and/or nerve injury and injury to his body as a whole; the Plaintiff has suffered physical pain, mental suffering, mental anguish and distress, disability, disfigurement and loss of enjoyment of a normal life; the Plaintiff is

permanently disabled and has been permanently prevented from attending his usual affairs and duties and has lost wages and income that he would have earned and will lose additional sums in the future; the Plaintiff has incurred and will become liable for large sums of money in hospital, medical and related expenses and will become liable for additional sums in the future, all to the damage to the Plaintiff in a substantial amount.

WHEREFORE, the Plaintiff RICHARD A. CLARK, prays judgment against the Defendant, RIVER METALS RECYCLING LLC, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs herein expended.



JOSEPH A. BARTHOLOMEW
Attorney for Plaintiff
IL REG. #6187925

COOK, YSURSA, BARTHOLOMEW,
BRAUER & SHEVLIN, LTD.
12 West Lincoln Street
Belleville, Illinois 62220
(618) 235-3500

COUNT II

Comes now the Plaintiff, RICHARD A. CLARK, by and through his attorneys, COOK, YSURSA, BARTHOLOMEW, BRAUER & SHEVLIN, LTD., and JOSEPH A. BARTHOLOMEW, and for Count II of his Complaint against the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, states as follows:

1. That at all times mentioned herein the Plaintiff, RICHARD A. CLARK, was an employee of Thornton Auto Crushing, LLC and during the course of his employment was required to refill the hydraulic fluid on a Sierra International Machinery LLC 2006 model number RB6000 car logger/baler serial #125105 and during the course of his employment he slipped and fell.

2. That on or about March 11, 2013, the Defendant, RIVER METALS RECYCLING, LLC, was a Kentucky corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner of the bailer.

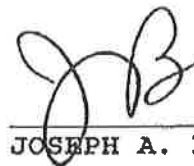
3. That on or about March 11, 2013, the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, was a California corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner and/or leasor of the bailer whom they leased to plaintiff's employer Thornton Auto Crushing, LLC.

4. That at said time and place, and at the time it left the possession and control of the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, the baler was in a defective and unreasonably dangerous condition in that:

- a. it failed to provide adequate platform and/or area in which to provide known maintenance including refilling the hydraulic fluid;
- b. it failed to have handrails or area in which to hold onto while performing routine maintenance including refilling hydraulic fluid.

5. That as a direct and proximate result of one or more of the foregoing defective and unreasonably dangerous conditions the Plaintiff, Richard A. Clark, slipped and fell causing him to severely injure his left arm including open fractures, dislocation and/or nerve injury and injury to his body as a whole; the Plaintiff has suffered physical pain, mental suffering, mental anguish and distress, disability, disfigurement and loss of enjoyment of a normal life; the Plaintiff is permanently disabled and has been permanently prevented from attending his usual affairs and duties and has lost wages and income that he would have earned and will lose additional sums in the future; the Plaintiff has incurred and will become liable for large sums of money in hospital, medical and related expenses and will become liable for additional sums in the future, all to the damage to the Plaintiff in a substantial amount.

WHEREFORE, the Plaintiff RICHARD A. CLARK, prays judgment against the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs herein expended.



JOSEPH A. BARTHOLOMEW
Attorney for Plaintiff
IL REG. #6187925

COOK, YSURSA, BARTHOLOMEW,
BRAUER & SHEVLIN, LTD.
12 West Lincoln Street
Belleville, Illinois 62220
(618) 235-3500

COUNT III

Comes now the Plaintiff, JENNIFER CLARK, by and through his attorneys, COOK, YSURSA, BARTHOLOMEW, BRAUER & SHEVLIN, LTD., and ~~JOSEPH A. BARTHOLOMEW, and for Count III of her Complaint against~~ the Defendant, RIVER METALS RECYCLING LLC, states as follows:

1. That at all times mentioned herein the Plaintiff, RICHARD A. CLARK, was an employee of Thornton Auto Crushing, LLC and during the course of his employment was required to refill the hydraulic fluid on a Sierra International Machinery LLC 2006 model number RB6000 car logger/baler serial #125105 and during the course of his employment he slipped and fell.

2. That on or about March 11, 2013, the Defendant, RIVER METALS RECYCLING, LLC, was a Kentucky corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner of the bailer.

3. That on or about March 11, 2013, the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, was a California corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner and/or leasor of the bailer whom they leased to Plaintiff's employer Thornton Auto

Crushing, LLC.

4. That at all times mentioned herein the Plaintiffs, RICHARD A. CLARK and JENNIFER CLARK, were married.

5. That at said time and place, and at the time it left the possession and control of the Defendant, RIVER METALS RECYCLING LLC, the car logger/baler was in a defective and unreasonably dangerous condition in that:

a. it failed to provide adequate platform and/or area in which to provide known maintenance including refilling the hydraulic fluid;

b. it failed to have handrails or area in which to hold onto while performing routine maintenance including refilling hydraulic fluid.

6. That as a direct and proximate result of one or more of the foregoing defective and unreasonably dangerous conditions the Plaintiff, Richard A. Clark, slipped and fell causing him to severely injure his left arm including open fractures, dislocation and/or nerve injury and injury to his body as a whole; the Plaintiff has suffered physical pain, mental suffering, mental anguish and distress, disability, disfigurement and loss of enjoyment of a normal life; and Plaintiff, Jennifer Clark, suffers loss of consortium due to her husband's injuries.

WHEREFORE, the Plaintiff JENNIFER CLARK, prays judgment against the Defendant, RIVER METALS RECYCLING LLC, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs herein expended.



JOSEPH A. BARTHOLOMEW
Attorney for Plaintiff
IL REG. #6187925

COOK, YSURSA, BARTHOLOMEW,
BRAUER & SHEVLIN, LTD.
12 West Lincoln Street
Belleville, Illinois 62220
(618) 235-3500

COUNT IV

Comes now the Plaintiff, JENNIFER CLARK, by and through his attorneys, COOK, YSURSA, BARTHOLOMEW, BRAUER & SHEVLIN, LTD., and JOSEPH A. BARTHOLOMEW, and for Count IV of her Complaint against the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, states as follows:

1. That at all times mentioned herein the Plaintiff, RICHARD A. CLARK, was an employee of Thornton Auto Crushing, LLC and during the course of his employment was required to refill the hydraulic fluid on a Sierra International Machinery LLC 2006 model number RB6000 car logger/baler serial #125105 and during the course of his employment he slipped and fell.

2. That on or about March 11, 2013, the Defendant, RIVER METALS RECYCLING, LLC, was a Kentucky corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner of the bailer.

4. That at all times mentioned herein the Plaintiffs, RICHARD A. CLARK and JENNIFER CLARK, were married.

5. That on or about March 11, 2013, the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, was a California corporation authorized to do business in the State of Illinois and doing business in the State of Illinois and the owner and/or leasor of the bailer whom they leased to plaintiff's employer Thornton Auto Crushing, LLC.

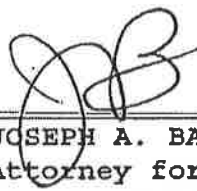
6. That at said time and place, and at the time it left the possession and control of the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, the baler was in a defective and unreasonably dangerous condition in that:

- a. it failed to provide adequate platform and/or area in which to provide known maintenance including refilling the hydraulic fluid;
- b. it failed to have handrails or area in which to hold onto while performing routine maintenance including refilling hydraulic fluid.

7. That as a direct and proximate result of one or more of the foregoing defective and unreasonably dangerous conditions the Plaintiff, Richard A. Clark, slipped and fell causing him to severely injure his left arm including open fractures, dislocation and/or nerve injury and injury to his body as a whole; the Plaintiff has suffered physical pain, mental suffering, mental anguish and distress, disability, disfigurement and loss of enjoyment of a normal life; and Plaintiff, Jennifer

Clark, suffers loss of consortium due to her husband's injuries.

WHEREFORE, the Plaintiff JENNIFER CLARK, prays judgment against the Defendant, SIERRA INTERNATIONAL MACHINERY LLC, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs herein expended.



JOSEPH A. BARTHOLOMEW
Attorney for Plaintiff
IL REG. #6187925

COOK, YSURSA, BARTHOLOMEW,
BRAUER & SHEVLIN, LTD.
12 West Lincoln Street
Belleville, Illinois 62220
(618) 235-3500

CT Packing Slip



FedEx Tracking # : 780416428158
Created By : Anuj Vyas
Created On : 03/28/2015 05:42 AM
Recipient :

Chris Bedell
Title : Customer : DJJ Holding Corporation Address : 300 Pike St Email : CJB@DJJ.COM Phone : 513-419-6032 Fax : 513-419-6220

Package Type : Envelope
Items shipped : 1

Log #	Case #	Entity Name
526639268	15L121	River Metals Recycling, LLC



**Service of Process
Transmittal**

03/27/2015

CT Log Number 526839268

TO: Chris Bedell
DJJ Holding Corporation
300 Pike St
Cincinnati, OH 45202

RE: Process Served in Illinois

FOR: River Metals Recycling, LLC (Domestic State: KY)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Richard A. Clark and Jennifer Clark, Pltfs. vs. River Metals Recycling LLC and Sierra International Machinery, LLC, Dfts.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Notice, Affidavit, Complaint and Demand

COURT/AGENCY: St. Clair County - 20th Judicial Circuit Court, IL
Case # 15L121

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - On or about March 11, 2013 at defendants premises

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 03/27/2015 at 10:00

JURISDICTION SERVED : Illinois

APPEARANCE OR ANSWER DUE: Within 30 days after service of this summons, Exclusive of the day of service

ATTORNEY(S) / SENDER(S): Joseph A. Bartholomew
Cook, Ysursa, Bartholomew, Brauer & Shevlin
12 West Lincoln St.
Belleville, IL 62220
618-235-3500

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Standard Overnight , 780416428158
Email Notification, Chris Bedell CJB@DJJ.COM
Email Notification, Mary Jo Colebrook mac@djj.com

SIGNED: C T Corporation System
ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL 60604
TELEPHONE: 312-345-4336